



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------------|---------------------|------------------|
| 09/581,946 | 11/08/2000 | Jose Francisco Garcia Martin | GARCIA-MARTI | 6651 |

1444 7590 05/22/2002

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

COHEN, CURTIS A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3634

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3634

Applicants' letter filed May 9, 2002 is acknowledged. In this letter applicants' request that a new Office action be issued so that all of applicants' arguments will be responded to.

With respect to the Office action mailed April 22, 2002, applicants state that at least claim 30 is rejected on the same grounds of rejection of the previous Office action (mailed November 1, 2001). In view of this, it is alleged that the examiner's indication that applicants' arguments are "moot" in view of a new ground of rejection is inappropriate.

A review of the record reveals that claim 30 is (and was) rejected as being anticipated by Emerling et al ('002). Applicants' sole argument for the patentability of claim 30 over the art of record is that the reference does not include a means for displacing the door lock assembly on the door trim panel from a transport position to an assembly position for attachment to the door inner liner. See page 7, second full paragraph. The new ground of rejection is one of indefiniteness and advances the examiner's position that one does not know what disclosed elements constitute the "means". Further, because of this lack of knowledge, it is advanced that one is not able to ascertain what this recitation is supposed to cover and what other elements would constitute an equivalent. In other words, no basis has been provided to enable anyone to reasonably ascertain what disclosed elements constitute this "means" or what other elements constitute equivalents thereof. See page 2 of the Office action mailed April 22, 2002.

Accordingly, on the one hand you have applicants asserting that the claims avoid the prior art of record because of the recitation of a "means for displacing" and on the other hand you have the examiner stating that it is not known what disclosed elements are to make up this "means" and

Art Unit: 3634

thus it cannot be properly determined whether or not the elements of the prior art constitute this "means". In view of this, it appears that applicants' arguments have been addressed and are moot until such time that it can be fully determined what disclosed elements the "means" recitation is supposed to be covering.

It would appear that if applicants' are of the opinion that the disclosed elements constituting the recited "means" are clear and readily understood, then applicants need only to identify such elements and then the examiner would be able to properly ascertain whether or not Emerling et al actually do not possess these elements as is argued by applicants. Until such time, there is no further response the examiner can provide, especially when it is not known what element(s) the examiner is supposed to be looking for in the reference.

In view of all of the above, applicants' request for a new Office action so that more of a response to applicants' argument can be provided is denied and applicants' period for response **continues to run from the mailing of the final rejection mailed April 22, 2002.**

Any inquiry concerning this communication should be directed to Daniel P. Stodola at telephone number 308-2686.

STODOLA
May 20, 2002



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600